



MATTHEW L. SCHWARTZ  
Tel.: (212) 303-3646  
E-mail: mlschwartz@bsfllp.com

March 26, 2018

**BY ECF**

Honorable Katharine H. Parker  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street, Suite 1950  
New York, New York 10007

**Re: *City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.*,  
Case No. 15 Civ. 5345 (AJN) (KHP)**

Dear Judge Parker:

We represent the City of Almaty, Kazakhstan and BTA Bank (“the Kazakh Entities”), and write in brief response to Triadou’s March 26, 2018 letter, seeking an order from this Court compelling the production of documents from non-party Kevin Meyer. [ECF No. 589].

In its letter, Triadou argues that “Meyer is incorrect in arguing that Triadou’s motion should be before a different court” because “[h]aving availed himself of the Protective Order’s protections, and having demanded that Triadou follow its terms, so too should Meyer be required to follow those terms and be subject to this Court’s jurisdiction.” [ECF No. 589, at 1].

As Your Honor will recall, on February 28, 2018, the Court denied a motion brought by the Kazakh Entities seeking to compel the production of documents from non-party Gennady Petelin, who is currently litigating a related discovery dispute before this Court. The Court held that the proper venue for the Kazakh Entities’ motion to compel is California, the place of compliance for the subpoena. [See ECF No. 560, at 3].

If Triadou’s argument is correct, then Petelin should likewise be subject to litigation before this Court. It is undisputed that Petelin and his counsel are also subject to the Protective Order in this action: they both explicitly signed on to the Order to get access to certain documents designated as “confidential” as part of the meet-and-confer process in which the Kazakh Entities explained the significance of certain topics and tried to avoid motion practice.

To the extent the Court grants Triadou’s motion and holds that the Protective Order here supersedes the plain language of Rule 45, therefore, the Kazakh Entities respectfully request permission to renew their motion to compel Petelin’s compliance with the subpoenas served upon him.<sup>1</sup>

Respectfully,

/s/ Matthew L. Schwartz  
Matthew L. Schwartz

<sup>1</sup> In the interim, the Kazakh Entities have begun the lengthy pre-filing process required for motions to compel in the Central District of California. Given the mandatory time-frames set forth in the relevant local rules, we anticipate being able to actually file the motion in California on or about April 4, 2018. See C.D. Cal. LR 37-2; 45-1.